NICS News

The FBI Criminal Justice Information Services Division's National Instant Criminal Background Check System (NICS) Section Takes a Look Back, Provides Statistics, and General FYIs for the Federal Firearms Licensee (FFL)

2012 Busy Season-Survival/Success

The NICS Section set unprecedented records during December 2012 with the receipt of an extraordinary number of transactions. December 2012 was the highest volume month ever for NICS background checks with nearly one million checks being received during the third week alone. New records include the following:

- December 17-23, 2012, was the highest volume week ever for total NICS checks with 953,613 transactions being received.
- A new highest volume day was added on December 21, 2012, when 177,170 total NICS checks were received. (Link to NICS Statistics)
- Eight of the Top Ten Highest Volume Days for the NICS occurred during December 2012

FFL Community, Thank You for Your Patience and Support

The NICS Section developed an FFL group e-mail address. This group e-mail address is used by the FFL NICS Liaison Specialist to send out pertinent information to the FFL when needed, for example, system outages, delays, milestones, statistics, etc. Currently, there are approximately 8,000 FFLs signed up to receive these messages. During the past five months, there have been many messages e-mailed to the FFL through this group e-mail address, explaining the necessary NICS process changes. The FFL community was very receptive and appreciative about being kept apprised of the decisions quickly being made by the NICS Section due to the increased transaction volume. The NICS Legal Instruments Examiners (NICS Examiner) have also commented about how friendly, respectful, and supportive FFLs were during their phone calls, even when they had been on hold for an extended period of time. The NICS Section would like to take this opportunity to thank the FFL community for their continued team work being demonstrated now and historically. The positive e-mail responses and kind words on the phone calls from FFLs have been very appreciated during these busy times.

FFL Checking Delayed Transaction Status

During the past few months, the NICS Section has been forced to make some major NICS process modifications due to unprecedented transaction/call volume. The high volumes have not ceased. Until further notice, the NICS Section can no longer accept calls from the FFL for status checks.

The service has been eliminated because the FFL will receive notice of a final status shortly after the NICS Examiner has made a final decision. The NICS Section processes NICS transaction numbers (NTN) in the order they were received. Once the transactions are completed, they are instantly put in a queue for the FFL to be contacted with a final status. Also, when an FFL is conducting a NICS background check, during transfer calls to the NICS Section, if an FFL has completed transactions, they will be provided a final status prior to concluding the call.

Check the Status of Your Delayed Transactions on the NICS E-Check 24/7

In order to check the status of a delayed NTN, the FFL must enroll with the NICS E-Check (processing your NICS background checks via the Internet). The NICS E-Check allows the FFL to check the status of their transactions (conducted both on the phone and Internet) 24/7. Therefore, if you do not want to initiate your NICS background checks via the Internet, you can continue to call the NICS Contracted Call Centers, then log into the NICS E-Check to view your NTN statuses.

During the past few months, the NICS E-Check has been running, with little to no delay. During February 2013, the NICS E-Check average answer speed (the time it takes a NICS Examiner to begin processing the NTN) was within 39 seconds. The NICS E-Check average handle time (the time it takes for a NICS Examiner to process the NTN and apply a final status) was within 71 seconds. The average wait time for the FFL to receive a status on a NICS E-Check transaction is less than two minutes. Below you will see comments from FFLs who currently use the NICS E-Check and are satisfied with the process.

- "I use the NICS E-Check on all my sales and have never waited more than 90 seconds for a check to come back....Works great. Thanks."
- "I guess I do not understand why there are so many people that are not using the E-Check System. It is wonderful and works every single time."
- "As a five year use of E-Check (I've literally called the Call Center maybe 10 times in 5 years!), I think it is certainly an un-tapped resource. "
- "We use NICS E-Check on line 98% of the time and we've been very happy with it."
- "The NICS E-Check system is wonderful. I use it exclusively and have never had a problem. My customers are amazed at how fast things go and how efficient the entire system is."
- "I have been using the E-check since I became an FFL over a year ago. It is fast, efficient, and I have had no issues whatsoever."
- "I've been using E-Check for years without any trouble and I have limited computer skills."
- "I do all my NICS checks online - always have - love it."

- "I can't imagine why an FFL wouldn't use the NICS E-Check system... no waiting time on the phone, real time responses, easy and efficient to use. Cost and time effective. I do all my NICS checks online - always have - love it."

- "I use the NICS E-Check and think it is terrific."

If you are interested in enrolling with the NICS E-Check, the FFL must complete a new NICS FFL enrollment form, including the NICS E-Check sections 12-14. The NICS FFL enrollment form is located on the NICS FFL Web site, <www.fbi.gov/nics-ffl>. Once you have completed the NICS FFL enrollment form, you must return it to the NICS Section via facsimile at (304) 625-0897, e-mail at <fbinicsteamcc@leo.gov>, or mail to:

Federal Bureau of Investigation
NICS Section
Post Office Box 4278
Clarksburg, WV 26302-9951

If you are a current FFL, and you are already enrolled with the NICS Section to conduct background checks via phone, you must request to use the NICS E-Check at <www.nicsezcheckfbi.gov>. Once the FFL has registered to use the NICS E-Check, the NICS E-Check Examiner will issue a digital certificate and send it with the downloading instructions to the FFL e-mail provided. Once the digital certificate is downloaded to your computer, the FFL will be ready to conduct the NICS background checks via the Internet.

The NICS Contracted Call Centers will still continue to conduct NICS background checks for FFLs who wish to process their transactions via the phone. This process has not been modified; the FFL will continue to call the NICS Section at 1-877-324-6424 and press 1 to do a background check.

Knowledge at Your Fingertips With a NICS FFL-Dedicated Web Site <www.fbi.gov/nics-ffl>

This Web site was developed with the FFL in mind. The following basic NICS information is available at <www.fbi.gov/nics-ffl>:

- NICS FFL User Manual
- Enrollment Information
- Sign up to Receive NICS Messages/Updates
- NICS FFL Quick Reference Guides
- Appeal Information
- NICS Process Videos for the FFL and Their Customers
- Much more!

Receive NICS Messages

FFLs and their employees can receive updates through a group e-mail address. The group e-mail address will allow the FFL to be informed of system changes/outages/general updates, etc. The FFL can add their e-mail address, request the e-mail address on file to be replaced with a new e-mail address, or ask to be removed from the e-mail list. There is no limit to how many store employees can request updates. To be added to the list, you will need the store's FFL number and current e-mail address. The NICS updates will be sent to you from the following e-mail address: <nicsfflupdates@leo.gov>.

NICS Videos for The FFL and Their Customers

The NICS Process in Motion Video—Two separate videos are available to provide NICS background check process and other valuable NICS information. One version is for the FFL specifically and the other version is for the FFL's customers.

The VAF Process Video—This video was developed for customers who experience constant or extended delays. The video walks the customer through the VAF Process step by step.

General NICS Reminders for the FFL

Help Minimize Unnecessary/Duplicate Work

- Have the ATF Form 4473 completed prior to making the call to the NICS Section.
- Only call with new transactions. Do not try to do status checks on previous delays. The NICS Section processes these transactions in the order they were received. Once the transactions are completed, they are instantly put in a queue for the FFL to be called back. You may also notice, during transfer calls, if we have completed transactions, they are provided at that time.
- Please do not conduct duplicate NICS background checks for the same transaction. For example: Calling the NICS Contracted Call Centers multiple times or calling the NICS Contracted Call Center then initiating a NICS E-Check transaction. This can be considered misuse of the NICS and only adds to the workload which, in turn, slows down the final statuses from the NICS Section to the FFL.
- Once the FFL receives an NTN, the transaction will be processed. In the event you are disconnected during the transfer or must hang up—**IF** you have already been provided an NTN—please do not void or call in a new transaction as this causes duplicate work. These transactions will automatically be sent to the NICS delay queue to be processed. In the event this does happen, mark the Form 4473 "delayed." Then the transfer date can be established

by going to the NICS FFL Web site at <www.fbi.gov/nics-ffl> and choosing "A NICS Delay" under "NICS Information."

- The NICS Section is diligently working to process delayed transactions. When the NICS Section calls your store with a final status, please take the information at that time. This will eliminate duplicate calls for both parties.

NICS Cannot Provide Your Customer the Reason For Their Delay or Denial Over the Phone

Due to the Privacy Act of 1974, the NICS Section **cannot** provide the reason for your customer's delay or denial over the telephone. If a prospective transferee had extended delays or has been denied the transfer of a firearm, the FFL should give the individual a NICS Resolution Card and write the NTN on the line provided on the bottom portion of the card. The NICS Resolution Card directs the customer to the NICS Appeal Web site, <www.fbi.gov/nics-appeals>, for customers to begin their appeal process. For customers without Internet access, they may appeal via the U.S. Postal Service by sending a letter requesting the reason for denial, their NTN, name, current address, and phone number. If the customer has ever been arrested, it is recommended the appellant provide their fingerprints along with any documentation that may help expedite their appeal. The appellant may mail their request to:

Federal Bureau of Investigation
NICS Section
Attention: Appeal Operations Unit
Post Office Box 4278
Clarksburg, WV 26302-9951

Protect Your FFL Number and Codeword

Your FFL number and codeword are confidential and very important to your business practice. Protect this information by keeping them out of sight and off your store counters, walls, phone, etc. Do not provide this information to your customers. The customer is not permitted to contact the NICS Section to check the status of their delay or to find the reason for delay/deny. If your FFL information is compromised, potentially NICS background checks could be called in on noncustomers. Using E-Check is also the best way to prevent someone from acquiring personal information of a customer.

NICS Background Checks are Good for 30 Days

The applicable regulation, 27 CFR 478.102(c), states that a NICS check is valid for 30 days from when the check was initiated. The 30-calendar day period should be counted beginning on the day after the date of initiation.

NICS Examiner's Name and Brady Identification (ID) Number

- Question 21f on the ATF Form 4473 asks for the name and Brady identification number of the NICS Examiner. This is optional for the FFL to complete. Once the call has been terminated, it is not necessary to call the NICS Section to retrieve this information.

- Since the NICS Section is not permitted to provide the reason for delay or denial over the phone, please do not provide your customer with the NICS Examiner's name and Brady ID number. Provide your customer with a NICS Resolution Card.

More Information is Best

NICS background checks are name based and dependent upon the descriptive information provided on the ATF form 4473. Question 8 asks for the customer's social security number. This descriptive identifier question is optional but, if provided, may help prevent a misidentification, which would results in an erroneous deny and a possible loss of sales. If your customer provides their social security number when completing the ATF form 4473, please use it when conducting your NICS background check via phone or the NICS E-Check.

Military Phonetics

The NICS Section uses military phonetics when providing a NTN to the FFL. It is very helpful for the FFL to utilize the phonetics when providing an NTN.

A–Alpha	**B–Bravo**	**C–Charlie**	**D–Delta**	**E–Echo**
F–Foxtrot	**G–Gulf**	**H–Hotel**	**I–India ***	**J–Juliet**
K–Kilo	**L–Lima**	**M–Mike**	**N–November**	**O–Oscar***
P–Papa	**Q–Quebec***	**R–Romeo**	**S–Sierra**	**T–Tango**
V–Victor	**W–Whiskey**	**X–X-Ray**	**Y–Yankee**	**Z–Zulu**

***Letters currently not being used in an NTN**

Information on Canadian Nonimmigrant Aliens Obtaining I-94 Numbers

Per the Customs and Border Protection, nonimmigrant aliens entering the United States are admitted under different classes/categories. Canadians are considered noncontrolled aliens and commonly admitted under class/category V (Visitor for business or pleasure). Nonimmigrant aliens receiving an I-94 number are normally entered under categories E and K. The issuance of an I-94 number is a manual process ($6 charge) and not necessary for visitors of business or pleasure, including Canadians. For firearm sales, a nonimmigrant alien must possess an I-94 number. If you have this situation, and your customer is unable to obtain an I-94 number because they have been admitted under a class/category other than E or K, contact the NICS Liaison Specialist at <nicsffl@leo.gov>.

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Please Keep Your FFL Contact Information Up to Date

If the NICS Section must contact your business, do we have the correct contact information on file for you? When your FFL contact information changes, there are two agencies to contact: the ATF Licensing Center at 1-866-662-2750 and the NICS Section's Customer Service at 1-877-FBI-NICS (324-6427), option 2 for FFL Customer Service, then option 4.

Call the Correct NICS Phone Number

Currently, the NICS Section has one working phone number. The number is 1-877-FBI-NICS (324-6427). Please disregard any previous documentation (NICS Brochures, Resolution Cards, etc) that provides other listed numbers.

Where Do You Mail Your ATF Form 3310.4–"Report of Multiple Sale or Other Disposition of Pistols and Revolvers"?

The NICS Section has been receiving numerous ATF Form 3310.4 erroneously at the address in Clarksburg, West Virginia. The ATF Form 3310.4 provides instructions on the back of the form regarding where this information should be sent. Section 6a advises that a copy of the form should be submitted to the National Tracing Center no later than the close of business on the day the multiple sale or other disposition occurs. The form can be provided in a couple different ways. It can either be faxed to 1-877-283-0288 or mailed to the U.S. Department of Justice; Bureau of Alcohol, Tobacco, Firearms and Explosives; National Tracing Center; P.O. Box 0279; Kearneysville, WV 25430-0279.

The NICS FFL Quick Reference Guide

The NICS Section wants to make it simple for you to contact us if assistance is needed. This link provides the FFL with the necessary NICS information needed daily. (Link to the FFL Quick Reference Guide)